

REMARKS

The present Amendment amends claims 1, 4, 5, 8 and 9 and leaves claims 2, 3, 6, 7, 10 and 11 unchanged. Therefore, the present application has pending claims 1-11.

In paragraph 1 of the Office Action the Examiner objected to the specification being that the Examiner alleges that "it contains an embedded hyperlink and/or other form of browser-executable codes". Applicants have reviewed the specification and do not understand why the Examiner is raising this objection since the application was filed in printed form and therefore could not possibly include hypertext or browser executable code. No electronic version of the application was filed by Applicants. Thus, if the Examiner has converted the printed version of the application as filed into an electronic form such hypertext and browser-executable code was generated by the system used by the Examiner. Accordingly, it would appear that it is the Examiner's responsibility to delete such hypertext and browser-executable codes not Applicants. In fact, it would be impossible for Applicants to prepare an amendment to delete such hypertext and browser-executable code since Applicants filed a printed version of the application within which hypertext or browser-executable codes do not exist.

Based on the above, Applicants respectfully request the Examiner to reconsider and withdraw the objection to the specification.

Claim 1 stands rejected under 35 USC §102(e) as being anticipated by Mitzutani (U.S. Patent Application No. 2001/0022780 A1); claims 2, 6 and 10 stand rejected under 35 USC §103(a) as being unpatentable over Mitzutani in view of

Peters (U.S. Patent No. 6,601,093 B1); claim 3 stands rejected under 35 USC §103(a) as being unpatentable over Mitzutani in view of Peters and further in view of Bjorndahl (U.S. Patent Application No. 2002/0065099 A1); and claims 7 and 11 stand rejected under 35 USC §103(a) as being unpatentable over Mitzutani in view of Peters and further in view of Nakamura (U.S. Patent No. 5,771,352). Each of these rejections are rendered moot being that the primary reference Mitzutani being relied upon by the Examiner is not an appropriate reference to be used for anticipatory or obviousness type purposes to reject the claims of the present application. Particularly, the present application claims a priority date of September 28, 2000 which is prior to the effective date of March 15, 2001 of Mitzutani. Thus, Mitzutani cannot be used in the above noted rejections of the claims under 35 USC §102(e) and 35 USC §103(a). Therefore, these rejections are rendered moot. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

To perfect Applicants claim of priority a certified copy of the Priority Document was filed on May 9, 2001 and such claim of priority was acknowledged by the Examiner in the Office Action.

To further perfect Applicants claim of priority a Sworn English Translation of the Priority Document is now being prepared will be filed immediately upon receipt from Applicants.

Even if Mitzutani could be used for anticipatory or obviousness type purposes to reject the claims of the present application it is quite clear that the features of the present invention as recited in the claims are not taught or suggested by Mitzutani

whether taken individually or in combination with any one or more of the other references of record, namely Peters, Bjorndahl and Nakamura.

For example, Mitzutani does not teach or suggest the features of the present invention as recited in the claims regarding a group communication method and a closed communication network including a plurality of communication terminals for performing group communication. According to the present invention, a calling message including group identification information is broadcast from a first communication terminal to a large number of unspecified terminals and the first communication terminal receives response messages from the other communication terminals including the group identification information. According to the present invention, the closed communication network is formed of the first communication terminal and at least one communication terminal which transmits the response message within a given time after the calling message is transmitted and group communication is performed by the communication message using the group identification information.

The above described features of the present invention as recited in the claims are not taught or suggested by Mitzutani whether taken individually or in combination with one or more of Peters, Bjorndahl or Nakamura as suggested by the Examiner. In any event, such a combination cannot be made since Mitzutani is not prior to the claimed priority date of the present application.

In paragraph 8 of the Office Action the Examiner indicated that claims 4, 5, 8 and 9 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Amendments were made to claims 4,

5, 8 and 9 to place them in independent form including all the limitations of the base claim and any intervening claims. Therefore, claims 4, 5, 8 and 9 are allowable as indicated by the Examiner.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-3, 6, 7, 10 and 11.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-11 are in condition for allowance. Accordingly, early allowance of claims 1-11 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (501.39943X00).

Respectfully submitted,

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